



December 3, 2018

P.O. BOX 512 • RIVERSIDE, CALIFORNIA 92502 • (951) 955-2400 • FAX (951) 955-2428

KPBS News
Attn: Claire Trageser
5200 Campanile Dr.
San Diego, CA 92182
ctrageser@kpbs.org

Re: California Public Records Act (CPRA) Request, Pursuant to Cal. Gov't Code § 6250, et seq.

Dear Ms. Trageser,

On November 28, 2018 the Riverside County Sheriff's Department received your requests based on the California Public Records Act ("CPRA" – Government Code §§ 6250 et seq.) Your original request is attached to this response determination letter and has been processed as follows:

The Riverside County Sheriff's Department response applies to one or more of the sections listed. Sections in red are responsive to your request.

☒ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b). ***Please See Section I on page 2 for details.***

☒ We regret to inform you that it has been determined that there are no disclosable records that can be made available for inspection and/or copying in response to your request because

☒ Records do not exist. ***Please see Section II on page 2 for details.***

☐ The record does not belong to the Riverside County Sheriff's Department. ***Please see Section III on page 2 for details.***

☐ There are no disclosable records that can be made available for inspection and/or copying in response to your request on the basis that the records sought are exempt from disclosure under the CPRA. ***Please see Section IV on page 3 for details.***

☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b).

However, it has also been determined that some records and/or portions of such records are exempt from disclosure under the California Public Records Act (Government Code § 6250 et seq.) and thus will be withheld or subject to redaction on the basis of the various grounds. ***Please see Section V on page 3 for details.***

Thank you for your interest in Riverside County Sheriff's Department records. If we can be of further assistance, please do not hesitate to contact me at: (951) 955-2467.

Sincerely,

STAN SNIFF, SHERIFF

A handwritten signature in black ink, appearing to read "Ken Thurm", is written over the typed name and title.

Ken Thurm, Sergeant
Professional Standards Bureau

SS:KT:bh

SECTION I: DISCLOSABLE RECORDS

Request #1

The number of cases are for complaints that resulted in a personnel investigation

Fiscal Year 17/18 : July 1, 2017 - June 30, 2018 - 96 cases

Fiscal Year 16/17 : July 1, 2016 - June 30, 2017 - 95 cases

Fiscal Year 15/16 : July 1, 2015 - June 30, 2016 - 87 cases

Fiscal Year 14/15 : July 1, 2014 - June 30, 2015 - 98 cases

Fiscal Year 13/14 : July 1, 2013 - June 30, 2014 - 121 cases

SECTION II: RECORDS DO NOT EXIST

Request #2

SECTION III: RECORD DOES NOT BELONG TO THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

SECTION IV: NO DISCLOSABLE RECORDS EXEMPTIONS*

<input type="checkbox"/> Government Code § 6254(a) <u>Request</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request</u>
<input type="checkbox"/> Government Code § 6254(f) <u>Request</u>	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request</u>
<input type="checkbox"/> Government Code § 6255 <u>Request</u>	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request</u>

SECTION V: REDACTED RECORDS EXEMPTIONS*

<input type="checkbox"/> Government Code § 6254(a) <u>Request</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request</u>
<input type="checkbox"/> Government Code § 6254(f) <u>Request</u>	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request</u>
<input type="checkbox"/> Government Code § 6255 <u>Request</u>	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request</u>

* See Attachment 1 for Government Code Details

ADDITIONAL INFORMATION:

ATTACHMENT 1

GOVERNMENT CODE SECTIONS

6254(a)- provides that preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

Government Code § 6254(b)- provides that records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Government Code § 810 et seq., are exempt from disclosure until the pending litigation or claim has been finally adjudicated or settled.

Government Code § 6254(c)- provides that personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy is exempt from disclosure.

Government Code § 6254(f)- provides that law enforcement investigation, security and intelligence information file records of a local police agency are exempt from disclosure. Furthermore, as set forth in Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997) and Williams v. Superior Court, 5 Cal. 4th 337 (1993), the investigatory file exemption to the public records act request is not lost even where the investigation is deemed concluded or terminated.

Government Code § 6254(k)- read in conjunction with Evidence Code § 1040, provides that official information acquired in confidence by a public employee is exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Article I, § 1 of the California Constitution provides that personal information details are subject to privacy rights that make such information exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Evidence Code §§ 952 and 954 provides that attorney-client confidential communications, attorney work-product material and privileged material are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Welfare and Institutions Code § 827 provides that juvenile case file records are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the California Confidentiality of Medical Information Act ("CACMIA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 which provide that peace officer or custodial officer personnel records information may only be obtained via the noticed motion procedure required by said statutes and therefore is exempt from disclosure.

Government Code § 6254(k) read in conjunction with Penal Code § 1546 which is the recently enacted Electronic Communications Privacy Act and provides confidentiality of electronic communications from disclosure.

Government Code § 6254.29 -provides that social security number information is exempt from disclosure.

Government Code § 6254(u)- provides that certain information contained in applications for licenses to carry firearms issued pursuant to Penal Code 12050 by a county sheriff are exempt from disclosure.

Government Code § 6255 -the records in question are exempt because under the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Huston, Brittany

From: Claire Trageser [mailto:ctrageser@kpbs.org]
Sent: Tuesday, November 27, 2018 3:12 PM
To: Huston, Brittany <bhuston@riversidesheriff.org>
Subject: Re: CPRA Request

Thanks again for your response. I understand you do not keep these records, so I am wondering if instead you would be able to provide:

The total number of complaints separated by year.
The date a complaint was filed as well as the date the complainant was first contacted for follow up from each year starting in mid-2013 through mid-2018 for a random selection of complaints representing at least 5% of the total complaints for each year.

I have contacted other law enforcement agencies and they were able to agree to this compromise. Please feel free to give me a call at 503 702 0893 if you have any questions.

Thanks!
Claire

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Claire Trageser

KPBS Investigative Reporter
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(619) 594-8159

Follow me on Twitter: www.twitter.com/clairetrageser